

## Message Text

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43

ACTION EB-06

INFO OCT-01 AF-04 ISO-00 LOC-01 COME-00 L-02 FBIE-00 SY-04

CIAE-00 INR-05 NSAE-00 RSC-01 /024 W

----- 075573

R 121355Z NOV 74

FM AMEMBASSY PRETORIA

TO SECSTATE WASHDC 0856

INFO AMCONSUL CAPE TOWN

AMCONSUL JOHANNESBURG

LIMITED OFFICIAL USE PRETORIA 4905

CAPE TOWN FOR EMBASSY

E.O. 11652: N/A

TAGS: EIND, SF

SUBJECT: MOTION PICTURE COPYRIGHTS

REF: A. STATE 248553

B. PRETORIA 4757

1. WE DID NOT AND DO NOT CONTEND THAT DEFENSE HAS RIGHT TO REQUEST ORAL TESTIMONY. POINT IS THAT IF DEFENSE CHALLENGES VALIDITY OF COPYRIGHT OR INCORPORATION OF COPYRIGHT HOLDER, THEN PROSECUTION FEARS CASE WOULD GO BY DEFAULT UNLESS ORAL TESTIMONY AVAILABLE.

2. VAN DE MERWE, WHOM WE REACHED TODAY, CONFIRMS THAT DOCUMENTS DESCRIBED RAF A, PARAS 3 AND 4, WOULD BE ADEQUATE ONLY IF DEFENSE ADMITS VALIDITY OF COPYRIGHT AND INCORPORATION OF HOLDER. HE DOES NOT EXPECT DEFENSE TO ADMIT AND SAYS THAT ORAL TESTIMONY THEREFORE NECESSARY. HE CITES SECTION 156 (1) OF CRIMINAL PROCEDURE ACT, NO. 56 OF 1955, WHICH READS:

QTE 156. PRESENCE OF ACCUSED. - (1) SUBJECT TO THE PROVISIONS OF SECTION ONE HUNDRED AND FIFTY-SIX TER, EVERY CRIMINAL TRIAL SHALL TAKE PLACE, AND THE WITNESSES SHALL,  
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SAVE AS IS OTHERWISE EXPRESSLY PROVIDED BY THIS ACT OR ANY

OTHER LAW, GIVE THEIR EVIDENCE VIVA VOCE, IN OPEN COURT IN THE PRESENCE OF THE ACCUSED, UNLESS HE SO CONDUCTS HIMSELF AS TO RENDER THE CONTINUANCE OF THE PROCEEDINGS IN HIS PRESENCE IMPRACTICABLE, IN WHICH EVENT THE COURT MAY ORDER HIM TO BE REMOVED AND MAY DIRECT THE TRIAL TO PROCEED IN HIS ABSENCE. UNQTE.

3. VAN DE MERWE SAID WALDBAUM ACQUITTED AT PREPARATORY EXAMINATION, BUT HE DOESN'T KNOW GROUNDS. HE COULD STILL PROCEED DESPITE "ACQUITTAL" BUT WILL DECIDE ONLY AFTER RECEIVING MAGISTRATE'S REPORT. AVAILABILITY OF WITNESSES WILL BE IMPORTANT FACTOR IN HIS DECISION WHETHER OR NOT TO PROCEED. HURD

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LAW, COPYRIGHT INFRINGEMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 12 NOV 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** cunninfx  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974PRETOR04905  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D740325-0843  
**From:** PRETORIA  
**Handling Restrictions:** n/a  
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**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION EB  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
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**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** A. STATE 248553  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** cunninfx  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 04 SEP 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <04 SEP 2002 by WorrelSW>; APPROVED <13 MAR 2003 by cunninfx>  
**Review Markings:**

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EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** MOTION PICTURE COPYRIGHTS  
**TAGS:** EIND, SF  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005